# EXECUTIVE SUMMARY - ENFORCEMENT MATTER

Page 1 of 2

**DOCKET NO.:** 2007-0669-PWS-E **TCEQ ID:** RN101456556 **CASE NO.:** 33290

**RESPONDENT NAME:** Sparta Oaks Water Corporation

ORDER TYPE:		
X_1660 AGREED ORDER	FINDINGS AGREED ORDER	FINDINGS ORDER FOLLOWING SOAH HEARING
FINDINGS DEFAULT ORDER	_SHUTDOWN ORDER	IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
AMENDED ORDER	_EMERGENCY ORDER	
CASE TYPE:		
AIR	MULTI-MEDIA (check all that apply)	INDUSTRIAL AND HAZARDOUS WASTE
X PUBLIC WATER SUPPLY	PETROLEUM STORAGE TANKS	OCCUPATIONAL CERTIFICATION
WATER QUALITY	SEWAGE SLUDGE	UNDERGROUND INJECTION CONTROL
MUNICIPAL SOLID WASTE	RADIOACTIVE WASTE	DRY CLEANER REGISTRATION
TYPE OF OPERATION: Public water sup SMALL BUSINESS: X Yes  OTHER SIGNIFICANT MATTERS: The facility location.  INTERESTED PARTIES: No one other the COMMENTS RECEIVED: The Texas Region CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinate	re are no complaints. There is no record of additional and the ED and the Respondent has expressed an interister comment period expired on September 17, 200 or: None  r: Mr. Thomas Barnett, Enforcement Division, Enfo	al pending enforcement actions regarding this rest in this matter.  7. No comments were received.
Respondent: Mr. George Dulany,	President, Sparta Oaks Water Corporation, P.O. Bosesented by counsel on this enforcement matter	x 86, Belton, Texas 76513

# RESPONDENT NAME: Sparta Oaks Water Corporation DOCKET NO.: 2007-0669-PWS-E

VIOLATION SUMMARY CHAR'	Γ:	
VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS  TAKEN/REQUIRED 0001 /
Type of Investigation:	Total Assessed: \$787	Ordering Provisions:
Complaint X Routine Enforcement Follow-up	Total Deferred: \$157  X Expedited Settlement	The Order will require the Respondent to:
Records Review	Financial Inability to Pay	a. Within 30 days after the effective date of this Agreed Order;
Date(s) of Complaints Relating to this Case: None	SEP Conditional Offset: \$0	i. Develop and begin maintaining monthly
Date of Investigation Relating to this Case: March 22, 2007	Total Paid to General Revenue: \$630	operating reports, a chemical and microbiological monitoring plan, and customer service agreements;
Date of NOE Relating to this Case: April 16, 2007 (NOE)	Site Compliance History Classification High Average Poor	ii. Develop and begin maintaining an up- to-date map of the distribution system; and
Background Facts: This was a routine investigation. Four violations were documented.	Person Compliance History Classification High Average Poor Major Source: Yes X No	iii. Compile and begin maintaining an up- to-date and thorough plant operations manual for operator review and reference.
WATER	Applicable Penalty Policy: September 2002	b. Within 45 days after the effective date of this Agreed Order, submit written
Failure to obtain a purchase water contract authorizing a maximum hourly purchase rate of at least 2.0 gallons per		certification that demonstrates compliance with Ordering Provisions a.i. through a.iii.
minute ("gpm") per connection.  Specifically, the Facility did not have a contract, memorandum, or letter of		c. Within 180 days after the effective date of this Agreed Order, obtain a purchase water contract, memorandum, or letter of understanding from the water wholesaler
understanding to purchase water from Bell County WCID and the Facility has no other sources of supplying treated water,		authorizing a maximum hourly purchase rate of at least 2.0 gpm; and
therefore it has no production or service pump capacity, a 100% deficiency [30 Tex. Admin. Code § 290.45(f)(4)].		d. Within 195 days after the effective date of this Agreed Order, submit written certification including detailed supporting
2) Failure to provide water system records to be reviewed at the time of the investigation. Specifically, at the time of	en de la companya de La companya de la co	documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision c.
the investigation the facility did not have monthly operating reports, a chemical and biological monitoring plan, or customer		Provision c.
service agreements available for review [30 Tex. Admin. Code § 290.46(f)(2)].		
Failure to maintain and make avaliable an up-to-date map of the distribution system to help locate valves and mains		
during an emergency [30 Tex. Admin. Code § 290.46(n)(2)].		
4) Failure to provide an up-to-date and thorough plant operations manual for operator review and reference [30 Tex. ADMIN. CODE § 290.42(1)].		
·		

### Penalty Calculation Worksheet (PCW) Policy Revision 2 (September 2002) PCW Revision March 19, 2007 Assigned 23-Apr-2007 | PCW 23-Apr-2007 | Screening 24-Apr-2007 EPA Due RESPONDENT/FACILITY INFORMATION Respondent Sparta Oaks Water Corporation Reg. Ent. Ref. No. RN101456556 Facility/Site Region 9-Waco Major/Minor Source Minor CASE INFORMATION Enf./Case ID No. 33290 Docket No. 2007-0669-PWS-E No. of Violations 4 Order Type 1660 Media Program(s) Public Water Supply Enf. Coordinator Christopher Miller Multi-Media EC's Team EnforcementTeam 2 Admin. Penalty \$ Limit Minimum Maximum \$1,000

		Penalty Calcu	lation Secti	on		
TOTAL BASE PENAL	TY (Sum of viol	ation base penalt	ies)	1.6 2 5	Subtotal 1	\$750
ADJUSTMENTS (+/-)	TO SUBTOTAL	1 4 1 1 4		14.53		
Subtotals 2-7 are obtaine Compliance Histo		al Base Penalty (Subtotal 1) 5	by the indicated perce		otals 2, 3, & 7	\$37
Notes	Enhancement du	e to one previous Noti same as those in the c	ce of Violation ("N	NOV") with	, , , , , , ,	
Culpability	No	0	% Enhancement		Subtotal 4	\$0
Notes	The Respo	ondent does not meet l	the culpability crite	eria.		
Good Faith Effort			% Reduction	2 1 2 E 2 E 2 E 2 E 2 E 2 E 2 E 2 E 2 E	Subtotal 5	\$0
Extraordinary Ordinary N/A Notes	X (mar	V to EDPRP/Settlement Offer the with x)  ondent does not meet		eria.		
Approx. C	Total EB Amounts		% Enhancement* ned at the Total EB\$	Amount	Subtotal 6	\$0
SUM OF SUBTOTALS	5-1-7				Final Subtotal	\$787
OTHER FACTORS AS Reduces or enhances the Final Su			only; e.g30 for -30%.		Adjustment	\$0
Notes		1 (1) (1) (1) (1) (1) (1) (1) (1) (1) (1				
L				Final Pe	nalty Amount	\$787
STATUTORY LIMIT A	DJUSTMENT			Final Ass	essed Penalty	\$787
DEFERRAL Reduces the Final Assessed Pena	alty by the indicted perce	entage. (Enter number only;	20%] e.g. 20 for 20% reduc	Reduction	Adjustment	-\$157
Notes		erral offered for exped		A		
PAYARI E PENALTY				5 1 E		\$630

Screening Date 24-Apr-2007

Docket No. 2007-0669-PWS-E

PCW

Policy Revision 2 (September 2002) PCW Revision March 19, 2007

Respondent Sparta Oaks Water Corporation
Case ID No. 33290
Reg. Ent. Reference No. RN101456556

		[Statute] Public Water Supply ordinator Christopher Miller			
		Compliance History Worksheet			
		y Site Enhancement (Subtotal 2) Number of	Enter Number Here	Adjust.	1 1
	NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	1	5%	
		Other written NOVs	0	0%	1
		Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%	]
	Orders	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%	
100	Judgments	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%	
	and Consent Decrees	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%	
	Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%	1
	Emissions	Chronic excessive emissions events (number of events)	0 , ,	0%	<b>.</b>
	Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%	٠
		Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0.	0%	
·	wasaneer oo as waxaa ah ee aa	Plea	se Enter Yes or No		-
		Environmental management systems in place for one year or more	No	0%	
	Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%	
		Participation in a voluntary pollution reduction program	No l	0%	1
		Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%	
we have a second		Adjustment P	ercentage (Su	ıbtotal 2)	5%
Repea 	it Violator (Su N/A		ercentage (Su	ubtotal 3)	0%
l Victoria			s. Jonago (Gu	zioiai oj	<u> </u>
omp	iiance History	/ Person Classification (Subtotal 7)			
l	N/A	Name of the second	ercentage (Su	btotal 7)	0%
omp	liance History	/ Summary	120 200 AP 10 AP 1	T.	
	Compliance History Notes	Enhancement due to one previous Notice of Violation ("NOV") with violations the same as current enforcement case.	those in the		
			V. MATHEMATICAL C.		

Screening Date		The state of the s	<b>No.</b> 2007-0669-PWS-E	PCW
나는 하는 아이들은 이 경우를 다 보고 있습니다. 그 사람들은 사람들은 사람들은 사람들은 사람들은 사람들은 사람들은 사람들은	Sparta Oaks Water Corpo	oration	Policy	Revision 2 (September 2002)
Case ID No.  Reg. Ent. Reference No.			•	PCW Revision March 19, 2007
	Public Water Supply			
Enf. Coordinator				
Violation Number	<del></del>			
Rule Cite(s)				
		30 Tex. Admin. Code §	§ 290.45(f)(4)	
Violation Description	of at least 2.0 gallons pe not have a contract, me Bell County WCID and	r minute ("gpm") per co morandum, or letter of ι the Facility has no othe	rizing a maximum hourly purchase ra nnection. Specifically, the Facility di understanding to purchase water fron r sources of supplying treated water, ump capacity, a 100% deficiency.	d
			Base Penal	ty \$1,000
>> Environmental, Property	and Human Health Ma	atrix		
Release	Harm Major Moderate	Minor		т
OR Actua		- Willow		
Potentia	ıl X		Percent 25%	
N. Duranta sana ati a Mataisa		2000	T 5,2	
>>Programmatic Matrix Falsification	Major Moderate	Minor	17 A	
			Percent 0%	
				<b>=</b> ₁
Matrix The lack o	f adequate service pump a	nd production capacity	could result in water outages and the	
			supply could be compromised.	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
				80 %
			Adjustment \$7	50
				\$250
Violation Events		The state of the s		
Number of V	iolation Events 2	34	Number of violation days	
	daily	. 5		
mark only one	monthly x quarterly	<u>.</u> 	Violation Base Pena	ty \$500
with an x	semiannual annual single event			2
Two monthl	y events are recommended	d calculated from the Ma	arch 22, 2007 investigation date to th	ie.
		il 24, 2007 screening da		19. 19. 19.
Labora A Auron (1960)		3,232		
Economic Benefit (EB) for the	nis violation	Annual States	Statutory Limit Test	
Estimate	ed EB Amount	\$29	Violation Final Penalty To	tal \$525
		This violation Final A	ssessed Penalty (adjusted for limit	(s) \$525
			and the state of t	-/1 4020

ACT AND ADMINISTRATION OF THE PARTY OF THE P	W E	conomic I	3enefit W	orks	sheet	15.64	
Respondent	Sparta Oaks V	/ater Corporation			.1	•	
Case ID No.	33290					68	
Reg. Ent. Reference No.	RN101456556					section of Albert	
Media	Public Water S	Supply				Percent Interest	Years of
Violation No.	1					Fercent interest	Depreciation
						5.0	***************************************
· 基本基础 (1)	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$	医作用 医黄色 医	Banka ili	3 20			
item 2 cooppion	140 commas or 5			eran or a			22.42.000
Delayed Costs					5 to 12 to 1		A 5 ( )
Equipment				0.0	\$0	l \$0	\$0
Buildings		504-7201-000-000-000-000-000-000-000-000-000-		0.0	\$0	\$0	\$0
Other (as needed)	48.00			0.0	\$0	\$0	\$0
Engineering/construction		Self-sept field		0.0	\$0	\$0	\$0
Land				0.0	\$0	* * n/a	\$0'
Record Keeping System	1000000			0.0	\$0	© ≥ f n/a i	\$0
Training/Sampling		Miles of the second	31200	0.0	\$0	o with on/attended	\$0
Remediation/Disposal				0.0	\$0	i webten/a	\$0
Permit Costs		500	choments Elizabeth	0,0	\$0 <b>\$</b> 0	n/a	\$0
Other (as needed)	\$500	22-Mar-2007	23-May-2008	1.2	\$29	n/a	\$29
4	Enlanded on	et to obtole a puraba	na luator aontrost	Dotas	caulred le the det	a of the Investmenter	Clast data t
Notes for DELAYED costs			the estimate	d date o	f compliance.	a of the investigation	
Avoided Costs			the estimate	d date o	f compliance. item (except for	one-time avoided o	osts)
Avoided Costs			the estimate	d date on tering	item (except for	one-time avoided o	osts)
Avoided Costs Disposal Personnel	ANN		the estimate	d date of tering 0.0 0.0	item (except for \$0 \$0	one-time avoided o	osts) \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling			the estimate	d date of tering 0.0 0.0 0.0	item (except for \$0 \$0 \$0	one-time avoided of \$0 \$0 \$0 \$0 \$0	osts)
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplles/equipment	ANN		the estimate	d date of tering 0.0 0.0 0.0 0.0 0.0	item (except for \$0 \$0 \$0 \$0 \$0	one-time avoided of \$0\$0\$0\$0\$0\$0\$0\$0.	sosts) - \$0 - \$0 - \$0 - \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	ANN		the estimate	d date of tering 0.0 0.0 0.0 0.0 0.0 0.0	f compliance.  Item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0	sosts) → \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Suppllos/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	ANN		the estimate	d date of tering 0.0 0.0 0.0 0.0 0.0	f compliance.  Item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	one-time avoided of \$0\$0\$0\$0\$0\$0\$0\$0.	sosts)  \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	ANN		the estimate	0.0 0.0 0.0 0.0 0.0 0.0 0.0	f compliance.  Item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	one-time avoided of \$0\$0\$0\$0\$0\$0\$0\$0.	sosts)  \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	ANN	UALIZE [1] avoide	the estimate	ntering 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.	f compliance.  item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	sosts)
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Suppllos/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	ANN	UALIZE [1] avoide	the estimate	ntering 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.	f compliance.  item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	sosts)
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	ANN	UALIZE [1] avoide	the estimate	ntering 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.	f compliance.  item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	sosts) - \$0 - \$0 - \$0 - \$0 - \$0 - \$0 - \$0 - \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	ANN	UALIZE [1] avoide	the estimate	ntering 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.	f compliance.  item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	sosts)  \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0

Screening Date		55. 10.00 to	<b>No.</b> 2007-0669-PWS-E	PCW
	Sparta Oaks Water Corp	oration		Policy Revision 2 (September 2002)
Case ID No.				PCW Revision March 19, 2007
Reg. Ent. Reference No.				
Media [Statute] Enf. Coordinator				
Violation Number	2			
Rule Cite(s)		20 Tay Admin Cada S	200 40/0/2	
		30 Tex. Admin. Code § 2	290.46(1)(2)	
Violation Description	Specifically, at the time	of the investigation the fa	ewed at the time of the investig cility did not have monthly ope in, or customer service agreen lew.	rating
			Base	Penalty \$1,000
>> Environmental, Property a	nd Human Health M	atrix		
Release	Harm Major Moderate	e Minor	·	
OR Actual				
Potential			Percent 0%	
		e production of the contract o		
>>Programmatic Matrix Falsification	Major Moderate	Minor		
Talento and the second and the secon	x		Percent 5%	
Matrix Notes	Approximately 5	50% of the rule requiremen	nt was not met.	
			Adjustment	\$950
		683		
				\$50
Violation Events				
Number of Vio	elation Events 1	34	Number of violation days	
•	-			
*	daily			
mark only one	monthly quarterly		Violation Base	Penalty \$50
with an x	semiannual			
	annual			
000000	single event x			
12 15 15 15 15 15 15 15 15 15 15 15 15 15	P-77 1-17 1-17 1-17 1-17 1-17 1-17 1-17			100 - 100 -
	One	single event is recommen	ded.	1.00 m 201. W. M.
Economic Benefit (EB) for thi	is violation		Statutory Limit Test	
Fetimated	i EB Amount	\$42	Violation Final Penal	ty Total \$52
		This violation Final As	ssessed Penalty (adjusted fo	r limits) \$52

Case ID No.	33290	ater Corporation			1 N 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	Name of the second	
Reg. Ent, Reference No. Media Violation No.	Public Water S	upply			्रात्त्र । सूंध धा स्थानसम्बद्धाः	Percent Interest	Years of Depreciation
		基基共產黨	4461875			5.0	1
	Item Cost	Date Required	Final Date	Yrs li	nterest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$	A superior		And the second			
Delayed Costs							
Equipment	# AF # 194	William Co. Co.	Transmit Ext	0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	DECEMBER 18 SECTION		Production of the control of the con	0,0	\$0	\$0	\$0
Engineering/construction	1.0000000000000000000000000000000000000	**************************************	Ser (Total Marketon)	0.0	\$0 \$0	\$0	\$0 `
Land Record Keeping System		Mark .	A CONTRACTOR OF THE CONTRACTOR	0.0	\$0	n/a n/a	\$0 \$0
Training/Sampling	200	1905		0.0	\$0	n/a	\$0 \$0
Remediation/Disposal	AND THE STREET		SALES - Long - L	0.0	\$0	n/a	\$0 \$0
Permit Costs				0.0	\$0	n/a	\$0
the state of the s	And the second of the second of the second	Marian Committee					
Other (as needed)	\$1,000 Estimated cos	22-Mar-2007 st to create and ma				n/a the date of the inve	\$42
Avoided Costs  Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	Estimated cos	st to create and ma	intain the required date is the estin	reports. Enated date	Date required is of compliance.  In (except for \$0 \$0 \$0 \$0 \$0 \$0	the date of the invertible avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$42 stigation. Fina costs) \$0 \$0 \$0 \$0 \$0
Avoided Costs  Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	Estimated cos	st to create and ma	intain the required date is the estin	reports. Enated date  ntering ite  0.0  0.0  0.0  0.0  0.0  0.0  0.0	oate required is of compliance.  Im (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	the date of the investigation one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$42 stigation, Fina costs) \$0 \$0 \$0 \$0 \$0 \$0
AVOIDED COSTS  AVOIDED COSTS  Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	Estimated cos	st to create and ma	intain the required date is the estin	reports. Enated date	Date required is of compliance.  In (except for \$0 \$0 \$0 \$0 \$0 \$0	the date of the invertible avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$42 stigation. Fina costs) \$0 \$0 \$0 \$0 \$0
AVOIDED COSTS  AVOIDED COSTS Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	Estimated cos	UALIZE [1] avoide	intain the required date is the estin	reports, Enated date ntering ite 0.0 0.0 0.0 0.0 0.0 0.0 0.0	Date required is of compliance.  Im (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	the date of the investigation one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$42 stigation, Fina costs) \$0 \$0 \$0 \$0 \$0 \$0

Screening Date 24-Apr-2007 Docket No. 2007-0669-PWS-E	PCW
	Revision 2 (September 2002)
\$ 150 / 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	PCW Revision March 19, 2007
Reg. Ent. Reference No. RN101456556	
Media [Statute] Public Water Supply Enf. Coordinator Christopher Miller	
Violation Number 3	
Rule Cite(s) 30 Tex. Admin. Code § 290.46(n)(2)	
Violation Description Failed to maintain and make avaliable an up-to-date map of the distribution system to help locate valves and mains during an emergency.	
Base Penal	ty \$1,000
>> Environmental, Property and Human Health Matrix	**************************************
Release Major Moderate Minor  OR Actual Potential Potential Power Percent 0%	
>>Programmatic Matrix	***************************************
Falsification Major Moderate Minor  X Percent 10%	
Matrix Notes 100% of the rule requirement was not met.	
Adjustment \$90	00
	\$100
Violation Events	
Number of Violation Events 1 34 Number of violation days	
mark only one with an x  daily monthly quarterly semiannual annual single event x	ty \$100
One single event is recommended.	
Economic Benefit (EB) for this violation Statutory Limit Test	
Estimated EB Amount \$50 Violation Final Penalty To	al \$105
This violation Final Assessed Penalty (adjusted for limit	s) \$105
(au)usud 10 mm	7,00

	(A) 40 (A)	conomic E	Benefit W	orks	heet	42 42 65	
		ater Corporation				1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	
Case ID No.							
Reg. Ent. Reference No.	RN101456556 Public Water S				\$ 79 K		Years of
Violation No.		ouppiy			er in the	Percent Interest	Depreciation
Violation No.	J					5,0	
THE STREET	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	And the second second					340	25 / 4110 (1111
		•	A TOP TO THE PERSON OF THE PER				
Delayed Costs							
Equipment	1 2 2 2	Section Charge Assess	3 S S 655	0,0	\$0	\$0	\$0
Buildings	Commission and Section	State of the state		0,0	\$0	\$0	\$0
Other (as needed)	DECEMBER 41	Control Court Court	Missis wester	0.0	\$0	\$0	,\$0
Engineering/construction		100 00 00 00 00 00 00 00 00 00 00 00 00	2000 C	0.0	\$0	\$0	\$0
Land		Control of the contro	United States of the States of	0,0	\$0	** i n/a	\$0
Record Keeping System	100000000000000000000000000000000000000	AND CONTRACTOR OF THE CONTRACT		0.0	\$0 \$0	n/a n/a	\$0
Training/Sampling Remediation/Disposal		Market Market	National Co.	0.0	\$0 \$0	n/a n/a	\$0 \$0
Permit Costs		200.792.7		0.0	\$0	n/a	\$0 \$0
Other (as needed)	\$1,200	22-Mar-2007	23-Jan-2008	0.8	\$50	n/a	\$50
No. of Bellines	Estimated co	st to survey, prepare	e and submit a dis	tribution	map. Date requi	red is the date of the	e investigation
Notes for DELAYED costs	Estimated co	st to survey, prepare			map. Date requi of compliance.	red is the date of the	e investigation
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O In the cases	PCW vision 2 (September 2002) V Revision March 19, 2007
Rule Cite(s)  30 Tex. Admin. Code § 290.42(l)  Violation Description  Failed to provide an up-to-date and thorough plant operations manual for operator review and reference.	
Base Penalty	\$1,000
>> Environmental, Property and Human Health Matrix    Harm	
	\$100
Violation Events  Number of Violation Events  1 34 Number of violation days  daily monthly quarterly semiannual annual single event x	\$100
One single event is recommended.  Economic Benefit (EB) for this violation  Statutory Limit Test	
Estimated EB Amount \$11 Violation Final Penalty Total	\$105
This violation Final Assessed Penalty (adjusted for limits)	\$105

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		later Corporation					
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	Public Water S	Supply	,			Percent Interest	Years of Depreciation
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## **Compliance History**

CN600653448 Sparta Oaks Water Corporation Customer/Respondent/Owner-Operator: Classification: Rating: RN101456556 SPARTA OAKS WATER CORP Regulated Entity: Classification: Site Rating: ID Number(s): PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 0140168 WATER LICENSING LICENSE 0140168 Location: 114 SOUTH EAST STREET, BELL COUNTY, TEXAS TCEQ Region: REGION 09 - WACO Date Compliance History Prepared: April 23, 2007 Agency Decision Requiring Compliance History: Enforcement April 23, 2002 to April 23, 2007 Compliance Period: TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History Name: Christopher Miller 512-239-6580 **Site Compliance History Components** 1. Has the site been in existence and/or operation for the full five year compliance period? Yes 2. Has there been a (known) change in ownership of the site during the compliance period? No 3. If Yes, who is the current owner? N/A 4. if Yes, who was/were the prior owner(s)? N/A 5. When did the change(s) in ownership occur? N/A Components (Multimedia) for the Site: Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government. A. B. Any criminal convictions of the state of Texas and the federal government. N/A C. Chronic excessive emissions events. The approval dates of investigations. (CCEDS Inv. Track. No.) D. 1 08/27/2002 (5555)2 04/18/2007 (554338)Written notices of violations (NOV). (CCEDS Inv. Track. No.) E. Date: 08/21/2002 (5555)Self Report? Classification: Minor Citation: 30 TAC Chapter 290, SubChapter D 290.45(f)(4) 30 TAC Chapter 290, SubChapter D 290.45(f)(5) Description: Failure to meet this agency's "Minimum Water System Capacity Requirements" to include an adequate production capacity and service pump capacity. F. Environmental audits. G. Type of environmental management systems (EMSs). Voluntary on-site compliance assessment dates. Η.

Sites Outside of Texas

N/A

Early compliance.

Participation in a voluntary pollution reduction program.

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# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



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# AGREED ORDER DOCKET NO. 2007-0669-PWS-E

### I. JURISDICTION AND STIPULATIONS

At its \_\_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Sparta Oaks Water Corporation ("Sparta Oaks") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, through the Enforcement Division, and Sparta Oaks appear before the Commission and together stipulate that:

- 1. Sparta Oaks owns and operates a public water supply at 114 South East Street, Bell County, Texas (the "Facility") that has approximately 22 service connections and serves at least 25 people per day for at least 60 days per year.
- 2. The Commission and Sparta Oaks agree that the Commission has jurisdiction to enter this Agreed Order, and that Sparta Oaks is subject to the Commission's jurisdiction.
- 3. Sparta Oaks received notice of the violations alleged in Section II ("Allegations") on or about April 21, 2007.
- 4. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Sparta Oaks of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
- 5. An administrative penalty in the amount of Seven Hundred Eighty-Seven Dollars (\$787) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Sparta Oaks has paid Six Hundred Thirty Dollars (\$630) of the administrative penalty and One Hundred Fifty-Seven Dollars (\$157) is deferred contingent upon Sparta Oaks' timely and

satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If Sparta Oaks fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require Sparta Oaks to pay all or part of the deferred penalty.

- 6. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
- 7. The Executive Director of the TCEQ and Sparta Oaks have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
- 8. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that Sparta Oaks has not complied with one or more of the terms or conditions in this Agreed Order.
- 9. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
- 10. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

### II. ALLEGATIONS

As owner and operator of the Facility, Sparta Oaks is alleged to have:

- 1. Failed to obtain a purchase water contract authorizing a maximum hourly purchase rate of at least 2.0 gallons per minute ("gpm") per connection, in violation of 30 Tex. ADMIN. CODE § 290.45(f)(4), as documented during an investigation conducted on March 22, 2007.
- 2. Failed to provide water system records to be reviewed at the time of the investigation, in violation of 30 Tex. ADMIN. CODE § 290.46(f)(2), as documented during an investigation conducted on March 22, 2007.
- 3. Failed to maintain and make available an up-to-date map of the distribution system to help locate valves and mains during an emergency, in violation of 30 Tex. ADMIN. CODE § 290.46(n)(2), as documented during an investigation conducted on March 22, 2007.
- 4. Failed to provide an up-to-date and thorough plant operations manual for operator review and reference, in violation of 30 TEX. ADMIN. CODE § 290.42(l), as documented during an investigation conducted on March 22, 2007.

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### III. DENIALS

Sparta Oaks generally denies each allegation in Section II ("Allegations").

#### IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Sparta Oaks pay an administrative penalty as set forth in Section I, Paragraph 5 above. The payment of this administrative penalty and Sparta Oaks' compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations, which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Sparta Oaks Water Corporation, Docket No. 2007-0669-PWS-E" to:

Financial Administration Division, Revenues Section Attention: Cashier's Office, MC 214 Texas Commission on Environmental Quality P.O. Box 13088 Austin, Texas 78711-3088

- 2. It is further ordered that Sparta Oaks shall undertake the following technical requirements:
  - a. Within 30 days after the effective date of this Agreed Order;
    - i. Develop and begin maintaining monthly operating reports, a chemical and microbiological monitoring plan, and customer service agreements, in accordance with 30 Tex. ADMIN. CODE § 290.46;
    - ii. Develop and begin maintaining an up-to-date map of the distribution system, in accordance with 30 Tex. ADMIN. CODE § 290.46; and
    - iii. Compile and begin maintaining an up-to-date and thorough plant operations manual for operator review and reference, in accordance with 30 Tex. ADMIN. CODE § 290.42.
  - b. Within 45 days after the effective date of this Agreed Order, submit written certification as described below in Ordering Provision 2.d., that demonstrates compliance with Ordering Provisions 2.a.i. through 2.a.iii.
  - c. Within 180 days after the effective date of this Agreed Order, obtain a purchase water contract, memorandum, or letter of understanding from the water wholesaler authorizing a maximum hourly purchase rate of at least 2.0 gpm, in accordance with 30 Tex. ADMIN. CODE § 290.45.
  - d. Within 195 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including

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photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.c. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team Enforcement Division, MC 149A Texas Commission on Environmental Quality P.O. Box 13087 Austin, Texas 78711-3087

with a copy to:

Public Water Supply Section, Manager Waco Regional Office Texas Commission on Environmental Quality 6801 Sanger Avenue, Suite 2500 Waco, Texas 76710-7826

- 3. The provisions of this Agreed Order shall apply to and be binding upon Sparta Oaks. Sparta Oaks is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
- 4. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by Sparta Oaks shall be made in writing to the Executive Director. Extensions are not effective until Sparta Oaks receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
- 5. This Agreed Order, issued by the Commission, shall not be admissible against Sparta Oaks in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
- 6. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.

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Sparta Oaks Water Corporation DOCKET NO. 2007-0669-PWS-E Page 5

7. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to Sparta Oaks, or three days after the date on which the Commission mails notice of the Order to Sparta Oaks, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

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For the Commission

Name (Printed or typed) Authorized Representative of Sparta Oaks Water Corporation

### SIGNATURE PAGE

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity, if any, indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for

I also understand that my failure to comply with the Ordering Provisions, if any, in this order and/or my

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

the penalty amount, is materially relying on such representation.

Section at the address in Section IV, Paragraph 1 of this Agreed Order.

failure to timely pay the penalty amount, may result in:
A negative impact on my compliance history;
• Greater scrutiny of any permit applications submitted by me;
• Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional
penalties, and/or attorney fees, or to a collection agency;
• Increased penalties in any future enforcement actions against me;
• Automatic referral to the Attorney General's Office of any future enforcement actions against me;
and
• TCEQ seeking other relief as authorized by law.
In addition, any falsification of any compliance documents may result in criminal prosecution.
Signature Dulany 7-10-07 Date

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues